

## UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

FILED

03/24/2010

Clerk, U.S. District Court  
Western District of TexasBY: 

Deputy

UNITED STATES OF AMERICA

vs.

(1) EDUARDO BARRAZA-FERNANDEZ

§  
§  
§  
§CASE NUMBER: EP:10-M -01491(1) - G  
USM Number: 56128-280

Defendant.

**JUDGMENT IN A CRIMINAL CASE  
(For A Petty Offense) - Short Form**

The defendant, EDUARDO BARRAZA-FERNANDEZ, was represented by counsel, Vivek Grover.

The defendant pled guilty to the complaint on March 24, 2010. Accordingly, the defendant is adjudged guilty of the following offense(s):

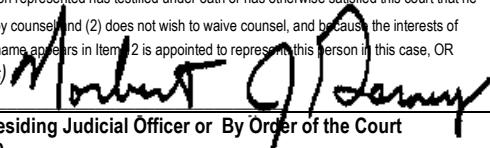
<b><u>Title &amp; Section</u></b>	<b><u>Nature of Offense</u></b>	<b><u>Date of Offense</u></b>
8 USC 1325(a)(1)	IMPROPER ENTRY BY AN ALIEN	March 08, 2010

As pronounced on March 24, 2010, the defendant is hereby committed to the custody of the United States Bureau of Prisons for a term of **Time Served**. The defendant shall remain in custody pending service of sentence.

The special assessment imposed pursuant to 18 U.S.C. § 3013 is hereby remitted pursuant to 18 U.S.C. § 3573 because reasonable efforts to collect this assessment are not likely to be effective.

Signed this the March 24, 2010.

  
 NORBERT J GARNEY  
 U.S. MAGISTRATE JUDGE

1. CIR./DIST./DIV. CODE TXW	2. PERSON REPRESENTED (1) EDUARDO BARRAZA-FERNANDEZ			VOUCHER NUMBER		
3. MAG. DKT/DEF. NUMBER EP:10-M-01491(1)	4. DIST.DKT./DEF.NUMBER	5. APPEALS DKT./DEF.NUMBER	6. OTHER DKT. NUMBER			
7. IN CASE/MATTER OF (Case Name) U.S. vs. (1) EDUARDO BARRAZA-FERNANDEZ	8. PAYMENT CATEGORY Petty Offense	9. TYPE PERSON REPRESENTED Adult Defendant	10. REPRESENTATION TYPE Criminal Case			
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. 8 USC 1325(a)(1) - IMPROPER ENTRY BY AN ALIEN8 USC 1325(a)(1)						
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS Grover, Vivek 1011 North Mesa El Paso, TX 79902		13. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs for Federal Defender <input type="checkbox"/> R Subs for Retained Attorney <input type="checkbox"/> P Subs for Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Date: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 2 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (See Instructions)  Signature of Presiding Judicial Officer or By Order of the Court 03/09/2010 Date of Order Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time of appointment <input type="checkbox"/> YES <input type="checkbox"/> NO				
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)			FOR COURT USE ONLY			
CATEGORIES (Attach itemization of services with dates)		HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW
15. <i>In Court</i> a. Arraignment and/or Plea b. Bail and Detention Hearings c. Motion Hearings d. Trial e. Sentencing Hearings f. Revocation Hearings g. Appeals Court h. Other (Specify on additional sheets)						
(RATE PER HOUR = \$) TOTALS:						
16. <i>Court</i> a. Interviews and Conferences b. Obtaining and reviewing records c. Legal research and brief writing d. Travel time e. Investigative and other work (Specify on additional sheets)						
(RATE PER HOUR = \$) TOTALS:						
17. <i>Out</i> Travel Expenses (lodging, parking, meals, mileage, etc.)						
18. Other Expenses (other than expert, transcripts, etc.)						
GRAND TOTALS (CLAIMED AND ADJUSTED):						
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM: _____ TO: _____			20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION	
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number Have you previously applied to the court for compensation and/or reimbursement for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____						
APPROVED FOR PAYMENT - COURT USE ONLY						
23. IN COURT COMP.	24. OUT OF COURT COMP	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT.		
28. SIGNATURE OF THE PRESIDING JUDGE			DATE	28a. JUDGE CODE		
29. IN COURT COMP.	30. OUT OF COURT COMP	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPR./CERT.		
34. SIGNATURE OF THE CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) Payment approved in excess of the statutory threshold amount.			DATE	34a. JUDGE CODE		

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF TEXAS**  
**EL PASO DIVISION**

FILED  
03/09/2010  
Clerk, U.S. District Court  
Western District of Texas

BY: *RRH*

Deputy

USA

vs.  
**(1) EDUARDO BARRAZA-FERNANDEZ**

§  
§  
§  
§  
§

**CASE NUMBER: EP:10-M-01491(1) G**

**Interpreter Required: Yes  No**

TIME: 0 to 0

**PROCEEDINGS SHEET\*/CRIMINAL NOTICE** **8 USC 1325(a)(1)**

TAKE NOTICE That a proceeding in this case has been set for the place, date and time set forth below:

PLACE	ROOM NO.
<b>United States Courthouse 511 E. San Antonio El Paso, Texas 79901</b>	<b>Magistrate Hearing Room #201</b>
DATE AND TIME	<b>March 24, 2010 at 1:30 PM</b>

TYPE OF PROCEEDING

**MISDEMEANOR ARRAIGNMENT**

**NORBERT J GARNEY**  
UNITED STATES MAGISTRATE JUDGE

**March 9, 2010**

INITIAL APPEARANCE DATE \*\*

**Kathy Hicks (915) 534-6021**

(BY) DEPUTY CLERK

TO: DEFENDANT

DFT ATTORNEY

U.S. PROBATION

U.S. PRETRIAL

U.S. ATTORNEY

U.S. MARSHAL

AGENCY / AGENT: **El Paso Sector Border Patrol - ORTEGA, ANNA S.**

**Grover, Vivek(CJA) - (915) 838-9355**

**X Bond set at \$10,000 Cash or Corporate Surety**

\* Defendant afforded initial appearance pursuant to Fed.R.Crim.P.5, informed of charges, penalties, right to remain silent, right to preliminary examination, right to be represented by counsel, and to appointment of counsel if Defendant is financially unable to obtain counsel, and the circumstances under which Defendant may secure pretrial release. \*\* Initial appearance for Defendant is electronically recorded.

**UNITED STATES DISTRICT COURT**  
WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

FILED  
03/09/2010  
Clerk, U.S. District Court  
Western District of Texas

BY:   
Deputy

USA  
vs.  
(1) EDUARDO BARRAZA-FERNANDEZ

§  
§ CRIMINAL COMPLAINT  
§ CASE NUMBER: EP:10-M -01491(1) - G  
§

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 8, 2010 in El Paso County, in the WESTERN DISTRICT OF TEXAS defendant(s) did, (track statutory language of offense) being an alien to the United States, knowingly enter the United States at a time and place other than as designated by immigration officers

in violation of Title 8 United States Code, Section(s) 1325(a)(1).

I further state that I am a(n) BORDER PATROL AGENT and that this complaint is based on the following facts: *"The Defendant, Eduardo BARRAZA-Fernandez, an alien to the United States and a citizen of Mexico, entered the United States from the Republic of Mexico by wading the Rio Grande River on March 8, 2010, approximately 3.0 miles west of the Paso Del Norte Port of Entry in El Paso, Texas, in the Western District of Texas. The place where the Defendant entered is not designated as a Port of Entry by immigration officers."*

Continued on the attached sheet and made a part hereof:

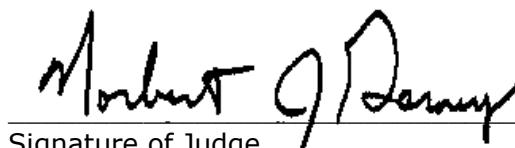
Sworn to before me and subscribed in my presence,

  
 Yes  No  
Signature of Complainant  
ORTEGA, ANNA S.  
BORDER PATROL AGENT

March 9, 2010  
Date

at EL PASO, Texas  
City and State

NORBERT J GARNEY  
U.S. MAGISTRATE JUDGE

  
Signature of Judge

WESTERN DISTRICT OF TEXAS

(1) EDUARDO BARRAZA-FERNANDEZ

FACTS (CONTINUED)

The Defendant, Eduardo BARRAZA-Fernandez, an alien to the United States and a citizen of Mexico, entered the United States from the Republic of Mexico by wading the Rio Grande River on March 8, 2010, approximately 3.0 miles west of the Paso Del Norte Port of Entry in El Paso, Texas, in the Western District of Texas. The place where the Defendant entered is not designated as a Port of Entry by immigration officers.

On March 8, 2010 at approximately 10:15 p.m., Camera Control Operators observed several individuals illegally enter the United States by crossing the Rio Grande River approximately 3.0 miles west of the Paso Del Norte Port of Entry in El Paso, Texas. Camera Control Operators advised Border Patrol Agents, over the Service radio, that one of the individuals, later identified as the DEFENDANT, Eduardo BARRAZA-Fernandez, had scaled the K1A Border Fence. The rest of the individuals were observed absconding back to Mexico. Border Patrol Agent Jose Benitez-Medina responded to the area, approached the DEFENDANT, identified himself as a United States Border Patrol Agent, and questioned him as to his citizenship and nationality. The DEFENDANT readily admitted he was a citizen and national of Mexico with no documentation to be in or remain in the United States legally. The DEFENDANT was taken into custody and transported to the El Paso Border Patrol Station Processing Center for further processing. At the El Paso Border Patrol Station Processing Center, the DEFENDANT was enrolled into the E3/IDENT/IAFIS system and returned with positive immigration history and negative criminal results. The DEFENDANT was advised of his rights, in the Spanish language, as per Form I-214 which he acknowledged by signing.

IMMIGRATION HISTORY:

The DEFENDANT was removed to MEXICO on May 27, 2001, through EL PASO, TX.

CRIMINAL HISTORY: